

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CHARTWELL THERAPEUTICS LICENSING,
LLC,

Plaintiff,

MEMORANDUM & ORDER
16-CV-3181 (MKB) (CLP)

v.

CITRON PHARMA, LLC,

Defendant.

MARGO K. BRODIE, United States District Judge:

Plaintiff Chartwell Therapeutics Licensing, LLC commenced the above-captioned action on June 8, 2016 against Defendant Citron Pharma, LLC in New York state court, asserting causes of action for breach of contract, goods sold and delivered, unjust enrichment, *quantum meruit* and an accounting, arising from an agreement related to the sale of pharmaceutical tablets and capsules. (Compl., annexed to Notice of Removal as Ex. A, Docket Entry No. 1.)¹ On April 10, 2017, Plaintiff moved for an order of pre-judgment attachment pursuant to Rule 64 of the Federal Rules of Civil Procedure and sections 6201 and 6212 of the New York Civil Practice Law and Rules, seeking to secure “an amount no less than \$14 million” from Defendant. (Pl. Mot. for Order of Attachment (“Pl. Mot.”), Docket Entry No. 35; Pl. Mem. in Supp. of Pl. Mot. (“Pl. Mem.”) 2, Docket Entry No. 36.) On April 11, 2017, the Court referred Plaintiff’s motion to Magistrate Judge Cheryl L. Pollak for a report and recommendation. (Order dated April 11, 2017.)

By report and recommendation dated March 4, 2018 (the “R&R”), Judge Pollak

¹ The action was removed to this Court on June 16, 2016. (Notice of Removal, Docket Entry No. 1.)

recommended that the Court deny Plaintiff's motion for an order of pre-judgment attachment.

(*See generally* R&R, Docket Entry No. 80.) No party has objected to the R&R.

A district court reviewing a magistrate judge's recommended ruling "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). "Failure to object to a magistrate judge's report and recommendation within the prescribed time limit 'may operate as a waiver of any further judicial review of the decision, as long as the parties receive clear notice of the consequences of their failure to object.'" *Sepe v. N.Y. State Ins. Fund*, 466 F. App'x 49, 50 (2d Cir. 2012) (quoting *United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997)); *see also Almonte v. Suffolk Cty.*, 531 F. App'x 107, 109 (2d Cir. 2013) ("As a rule, a party's failure to object to any purported error or omission in a magistrate judge's report waives further judicial review of the point." (quoting *Cephas v. Nash*, 328 F.3d 98, 107 (2d Cir. 2003))); *Wagner & Wagner, LLP v. Atkinson, Haskins, Nellis, Brittingham, Gladd & Carwile, P.C.*, 596 F.3d 84, 92 (2d Cir. 2010) ("[A] party waives appellate review of a decision in a magistrate judge's report and recommendation if the party fails to file timely objections designating the particular issue." (citations omitted)).

The Court has reviewed the unopposed R&R and, finding no clear error, the Court adopts the R&R in its entirety pursuant to 28 U.S.C. § 636(b)(1). Accordingly, the Court denies Plaintiff's motion for an order of pre-judgment attachment.

SO ORDERED:

s/ MKB

MARGO K. BRODIE
United States District Judge

Dated: March 20, 2018
Brooklyn, New York